

APPENDIX I - CORRESPONDENCE

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April 7, 2005, Concurrence From Alabama Deputy State Historic Preservation Officer,
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April 7, 2005

J. Bennett Graham, Ph.D.
Manager and Senior Archaeologist
Cultural Resources TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

Re: AHC 2003-0890; Proposed 161kV Transmission Line from Calpine's Morgan Energy Center
to TVA's Limestone Substation, Limestone County

LEE H. WARNER
Executive Director

468 South Perry Street
Montgomery, Alabama
36130-0900

tel 334 242-3184
fax 334 240-3477

Dear ~~Dr. Graham~~ *Bennett*:

Upon review of the cultural resource assessment conducted by TRC for the above referenced project, the Alabama Historical Commission has determined that we agree with the author's recommendations. Archaeological sites 1Li596, 1Li597 and 1Li598 are not eligible for the National Register of Historic Places. Furthermore, the project will not impact standing structures which are listed on or eligible for the National Register. Therefore, we concur with the proposed project activities.

However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately. Artifacts are objects made, used or modified by humans. They include but are not excluded to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are post holes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to insure contractors are aware of it.

We appreciate your commitment to helping us preserve Alabama's non-renewable resources. Should you have any questions, please contact Amanda McBride of this office and include the AHC tracking number referenced above.

Very truly yours,

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/ALM/LDB/aln

July 12, 2005

Mr. Mark Carnes
Project Manager, Regulatory Branch
U.S. Army Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214

Dear Mr. Carnes:

The Tennessee Valley Authority (TVA) is planning modifications to the new transmission line project approved under Nationwide Permit 12, File Number 200301242. TVA would construct the 161-kV transmission line from Calpine's Morgan Energy Center to TVA's Limestone substation, instead of to the previously proposed General Motors substation. The additional proposed 8.3 miles of transmission line, figure 1, would be constructed on 5.5 miles of existing right-of-way and approximately 2.8 miles of new 100 feet wide right-of-way using mostly H-frame steel pole structures.

A total of eleven wetland areas totaling 10.82 acres were identified in the proposed project addition during a ground survey conducted on February 1 through 3, 2005. A summary of wetland information is provided in table 1 and locations of wetlands along the proposed right-of-way and access road are shown in figure 1. These wetlands include 3.39 acres of emergent and open water wetlands, 3.22 acres of scrub-shrub wetlands, and 4.21 acres of forested wetlands. All of the wetlands meet the USACE parameters for wetlands which may be regulated under the Clean Water Act. Wetland determination data forms are attached.

Impacts to forested wetlands would result from their being converted to, and maintained as, scrub-shrub and emergent wetlands. The scrub-shrub and emergent wetlands contain low-growing species, however, removal of some sapling trees from scrub-shrub areas may be necessary. Four steel pole structures would be installed in wetland W1. The structures would be installed using a helicopter and vibratory hammer. A vibratory hammer would be mounted to the base section of the structure. The helicopter would lower the base portion of the structure with attached vibratory hammer and allow structure to sink into place with the vibratory hammer embedding it into soil. Once the base portion of the structure is installed, the helicopter would fly the rest of the structure to the site and position for the crew to assemble structure.

A small wetlands, referred to as W8 Access in Table 1, was identified along an access road. After consulting with construction crew, no wetland disturbance would occur as a result of using this proposed access road.

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TVA's normal practices for right-of-way clearing and transmission line construction in wetlands include:

1. During line clearing, construction, and maintenance, identified wetlands, streams, and drainage-ways would not be modified so as to alter their natural hydrological patterns.
2. Hydric soils would not be disturbed or modified in any way that would alter their hydrological properties.
3. Initial right-of-way clearing within forested wetlands would be accomplished using accepted silvicultural practices for timber or vegetation harvesting within wetlands.
4. Within streamside or riparian zones (e.g., Streamside Management Zone) and wetlands, trees would be cut just above the ground line and stumps would not be uprooted or removed.

Clearing in wetlands is typically accomplished using either hand-held or other appropriate clearing equipment, such as a feller-buncher. The clearing method is selected based on site-specific conditions and topography to minimize soil disturbance and impacts to the wetlands. TVA has found that in many cases using a low ground pressure feller-buncher to cut and remove trees results in less ground disturbance than cutting trees with chainsaws and dragging them out of the wetlands. In some situations, cut trees will be left in the wetlands to prevent ground disturbance and provide habitat.

We are requesting your concurrence that the above-mentioned modifications be approved under Nationwide Permit 12, File Number 200301242. We look forward to hearing from you as soon as possible. If you have any questions, please contact me by telephone, 423 751-3255, or email, kdchoate@tva.gov.

Sincerely,

Kimberly D. Choate, P.E.
Environmental Engineer
Siting and Environmental Design

Enclosures

cc: M. H. Dunn, ET 11A-K
A. R. Lewis, MR 4B-C
K. Pilarski, WT 11C-K
J. W. Shipp, Jr., MR 2T-C
EDMS, EB 5G-C (Enclosures filed in TLSED)

Table 1. Wetlands in the proposed extension of the Calpine Morgan Energy Center – Limestone Substation transmission line right-of-way.

Wetland ID^a	Wetland classification^b	Approximate wetland boundary locations	Watershed location (Tennessee River)	Linear feet and acreage in right-of-way^c
W1	PUBH/PSS1/PFO1	668+24 to 686+50	Unnamed tributary to Swan Creek	1826 ft / 4.19 ac
W2	PFO1	722+40 to 740+22	Swan Creek floodplain	1782 ft / 1.02 ac
W3	PFO1/PSS1/PEM1	804+38 to 811+46	Unnamed tributary to Spring Branch	708 ft / 1.63 ac
W4	PSS1	812+46 to 817+55	Unnamed tributary to Spring Branch	509 ft / 1.17 ac
W5	PSS1	822+42 to 824+27	Unnamed tributary to Spring Branch	185 ft / 0.42 ac
W6	PSS1	824+46 to 825+40	Unnamed tributary to Spring Branch	94 ft / 0.22 ac
W7	PFO1/PSS1/PEM1	846+93 to 847+75	Unnamed tributary to Piney Creek	82 ft / 0.19 ac
W8	PFO1/PSS1/PEM1	848+90 to 849+90	Unnamed tributary to Piney Creek	100 ft / 0.23 ac
W8 Access	PSS1/PEM1	733.3 feet left of station 849+21	Piney Creek floodplain	100 ft / 0.06 ac ^d
W9	PEM1	851+23 to 851+71	Piney Creek floodplain	48 ft / 0.11 ac
W10	PFO1/PSS1	883+02 to 889+89	Headwater of unnamed tributary to Piney Creek	687 ft / 1.58 ac
Total				10.82 ac



^a Federal and/or state jurisdictional determinations subject to consultation with USACE and/or ADEM regulatory staff.

^b According to Cowardin et al., 1979 and takes into account for previously cleared right-of-way of the adjacent Madison-West Point and Madison-Maury transmission lines.

^c Acreage of right-of-way wetlands calculated from estimated intercept length multiplied by 100 feet width, except for W2 which is multiplied by 25 feet.

^d Acreage of wetland on Piney Creek floodplain access road (W8 Access) calculated from estimated road ROW intercept length multiplied by 25 feet width ROW necessary for construction vehicle access.

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 US Army Corps of Engineers Nashville District		Department of the Army Permit July 21, 2005		Regulatory Branch 3701 Bell Road Nashville, TN 37214-2669	
Applicant Name Tennessee Valley Authority		Lake River/Stream Mile Wetland adjacent to Swan Creek		File No. 200501630	
Address: 1101 Market Street Chattanooga, TN 37402 Attn: Kimberly Choate, P.E.		County Limestone		State AL	
		Subdivision		Lot No(s)	
We have reviewed your application for a Department of the Army (DA) Permit. The work listed below is approved subject to all conditions and plans attached to this permit.					
NATIONWIDE PERMIT (NWP). The following activities are approved under authority of the NWP Program. These NWP's became effective March 18, 2002. # 12 Utility Line Crossing The verification that the work is approved under authority of this NWP is valid until March 18, 2007.					
The State of Alabama has issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed Special Conditions for Nationwide Permits for the State of Alabama. This work may require review by TVA. No construction shall commence until you have written approval or verification that no permit is required.					
If I can be of further assistance, please contact me the address above or by calling (615) 389-7503.					
 Floyd M. Carnes Regulatory Specialist Operations Division					
Enclosures Copy Furnished: TVA -Wheeler P.O. Box 1010 Muscle Shoals, Alabama 35662 Ms. Tonya Mayberry Alabama Department of Environmental Management Field Operations Division P.O. Box 301463 Montgomery, Alabama 36130					

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ATTENTION ^{Fre}

YOU ARE REQUIRED TO SUBMIT THIS SIGNED
CERTIFICATION REGARDING THE COMPLETED
ACTIVITY AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by Permit No. 200501630
and any required mitigation was done in accordance with the Corps
authorization, including any general or special conditions.

Permittee Signature

Date _____

Submit this signed certification to the office checked below:



U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214



Eastern Regulatory Field Office
P.O. Box 465
Lenoir City, TN 37771



Western Regulatory Field Office
2042 Bellvue Road, Southwest
Building C, Suite 415
Decatur, AL 35601

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US Army Corps
of Engineers
Nashville District

Nationwide Permit

No. 12, Utility Line Activities

Activities required for the construction, maintenance and repair of utility lines and associated facilities in waters of the US as follows:

(i) **Utility lines:** The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all waters of the US, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefied, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1, below). Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the US, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 0" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the US (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

(ii) **Utility line substations:** The construction, maintenance, or expansion of a substation facility associated with a power line or utility line in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2-acre of non-tidal waters of the US.

(iii) **Foundations for overhead utility line towers, poles, and anchors:** The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the US, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) **Access roads:** The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the discharges do not cause the loss of greater than 1/2-acre of non-tidal waters of the US. Access roads shall be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the US and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the US must be properly bridged or culverted to maintain surface flows.

The term "utility line" does not include activities which drain a water of the US, such as drainage tile, or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this NWP, the loss of waters of the US includes the filled area plus waters of the US that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraph (i) through (iv) may not exceed a total of 1/2-acre loss of waters of the US. Waters of the US temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the US. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the US are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the US that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the US even if there is no associated discharge of dredged or fill material (See 33 CFR part 322).

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquefied, or slurry substances over navigable waters of the US, which are considered to be bridges, not utility lines, and may require a permit from the USCG pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

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US Army Corps
of Engineers
Nashville District

Nationwide Permit Conditions

FILE NO.

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fill, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through this area, unless the activity's primary purpose is to improve water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 320.4(c)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status, unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water Quality.** (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 320.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 33, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers need to open waters, including streams (refer to General

Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS, the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.usfws.gov/ndp/ndp.html> and <http://www.fws.gov/ndp/ndp.html> respectively.

12. **Historic Properties.** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 320, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 320.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

14. **Completion Certification.** Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

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25. Designated Critical Resource Waters. Critical resource waters include NOAA-designated marine structures, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, skills natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.
- (a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 33, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NWP-5 has concurred in a determination of compliance with this condition.
- (b) For NWPs 3, 8, 10, 13, 15, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.
- (a) Discharges in Floodplain. Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five db), resulting in permanent above-grade fills, are not authorized by NWPs 30, 40, 42, 43, and 44.
- (b) Discharges in Floodway. Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 30, 40, 42, and 44.
- (c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.
27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).
- For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps. For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.
- Further information
1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
 2. NWPs do not provide the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
 3. NWPs do not grant any property rights or exclusive privileges.
 4. NWPs do not authorize any injury to the property or rights of others.
 5. NWPs do not authorize interference with any existing or proposed Federal project.
- * Some NWP conditions that are not applicable for this verification were omitted from above list. If you are interested in a complete list, you should contact the Corps of Engineers office that handled your request.
15. Use of Multiple National Wetlands Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g., if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed NWP-14-acre).
16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.
17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.
18. Sublethal Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unstable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).
20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavation, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.
21. Management of Water Flow. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.
22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.
23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

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SPECIAL CONDITIONS FOR NATIONWIDE PERMITS FOR ALABAMA

1. The applicant shall comply with all terms, conditions and requirements of a National Pollution Discharge Elimination System (NPDES) individual or general permit authorization and any other NPDES permit coverage issued to the facility. Failure to comply with the referenced NPDES permit may constitute a violation of this certification.
2. Please be advised the pursuant to Phase I of Federal Stormwater Rules and ADEM administrative rules, the operator/owner or applicant is required to apply for and obtain valid NPDES permit coverage for stormwater discharges prior to beginning construction or land disturbance above the Ordinary High water Mark for any non-dredge/fill operations below Ordinary High water Mark and construction of associated upland dredge disposal sites that will exceed 5 acres or is part of a larger common plan of development or sale in which disturbed acreage will eventually exceed 5 acres. The regulated construction disturbance also includes, but is not limited to associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, access roads, ect. And pre-construction activities performed in advance or in support of construction such as logging, clearing, dewatering, ect. The regulations also require permit coverage for disturbance activities less than five acres that are part of adjacent to, or associated with a larger common plan of development or sale that may eventually exceed five acres. Please be advised that a registrant, permittee, operator/owner, contractor or other responsible entity, separately or collectively, must retain general permit coverage for phased developments until all disturbance activity, including phased construction, is substantially complete. Failure to apply for and obtain NPDES permit coverage if required as described in this paragraph, or failure to comply with all terms, conditions, and requirements of any NPDES permit coverage issued for activities related to this certification constitute a violation of this certification. Effective March 10, 2003, construction disturbances equal to or greater than 1 acre requires NPDES permit coverage as described in this paragraph.
3. Until the project is complete, the applicant shall retain regular, detailed records regarding the status of implementation/construction of the proposed project, prepared by the design engineer and providing a schedule of remaining construction for the proposed project as well as certification that pollution control measures specified in the Corps permit and any special conditions specified by ADEM have been and are being properly implemented.
4. The applicant shall retain records adequate to document activities authorized by this certification including but not limited to, inspection reports, monitoring information, copies of any reports and all data used to complete the above reports on the application for this certification, for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the Department with a copy of any record/information required to be retained by this paragraph.
5. Upon the loss or failure of any treatment facility, best management practices (BMP) etc., the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
6. After completion of construction of the proposed project the applicant is required to retain certification by a qualified credentialed professional (QCP) that all aspects of the project have in fact been implemented according to the requirements of this certification, and that the pollution control measures specified in the Corps permit and any special conditions specified by ADEM have been properly implemented.
7. The applicant shall implement and maintain a Best Management Practices (BMP) Plan for prevention and control of nonpoint sources of pollutants including measures that will be taken to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
8. The applicant shall implement a Spill Prevention Control and Counter Measures (SPCC) Plan for all onsite fuel or chemical storage tanks or facilities. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the Department after becoming aware of significant, visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.

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9. The applicant shall implement an ADEM approved system for the collection, storage, treatment and disposal of sewage and other putrescible wastes.
10. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed of in an approved manner, if acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-a-pot, shower washdown, ect.) must be implemented and maintained. Also, soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed of in an approved manner.
11. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as sand blasting particles, spray paint, herbicides, excessive road dust, etc. from entering the waterbody.
12. Appropriate measures must be taken to prevent the deposition/disposal of, and removal as necessary, material, debris, or liquids resulting from bridge/culvert construction and/or maintenance such as concrete/cement, wash water, surfactants, sand blasting particles, paint, ect. from falling into the waterbody.
13. Diversion structures (berms, ditches, ect.) created in order to re-route upgradient stormwater runoff from the proposed project location shall be constructed, stabilized, and vegetated as necessary, prior to commencement of disturbance activities.
14. The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTU's. Operation may resume when the turbidity decreases to within acceptable levels.
15. The applicant shall implement appropriate measures as necessary to ensure that the activities authorized by this certification do not significantly contribute to or cause instream dissolved oxygen concentrations to decrease below 5 mg/l.
16. All materials used as fill or for construction purposes must be non-toxic, non-leaching, non-acid forming and free of solid waste or other debris.
17. Permanent or temporary raised waterbody crossings must be constructed with pipe(s) to safely pass expected mean water flow of the waterbody for the time of year and length of time that they are installed, unless a properly constructed low-water crossing is installed that provides for unobstructed stream flow over the low-water structure. The crossing must be inspected on a regular basis and any significant debris or blockage removed and properly disposed of to ensure unobstructed flow of water. Placement of rock-fill without pipe(s) for passage of water is not acceptable. Each raised waterbody crossing must be designed and maintained to ensure structure integrity and stability for safe passage of water flow generated by expected precipitation events while the structure is in place.
18. Bilge or ballast water pumped from ship or boat (e.g. dredge or construction barges, tugboats, fishing boats, pleasure craft, ect.) shall not be discharged to waters of the State of Alabama without removal of solids, oils, petroleum by-products and toxic compounds.
19. No rubbish, trash, garbage, or other such materials shall be discharged overboard into waters of the State of Alabama. Litter and refuse from vessels or a marina shall be disposed in a manner consistent with state and local regulations (e.g. trash receptacles, receptacles for fish offal and carcasses.)
20. Toilet waste, domestic wastewater and other domestic wastes must be pumped out to an approved onsite sewage system or municipal sewer, or must be treated by an approved marine sanitation device prior to discharge to waters of the State of Alabama.
21. Dredged or fill material may be temporarily sidecast or otherwise temporarily placed in adjacent waters or wetlands provided the sidecast or placed material is not permanently placed in adjacent waters or wetlands outside the permitted project area.
22. Disposal of fill material into waters of the State of Alabama dredging/excavating activities on upland areas above the normal low water of the waterbody outside of the permitted disposal area is prohibited.
23. If upland disposal areas are utilized, the applicant shall be responsible for the condition of the spoil disposal area for the life of the dredging and disposal activity and until the disposal area is reclaimed or adequately stabilized, and for

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pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal area sufficient to ensure that turbidity in the return water will not cause substantial visible contrast with the receiving waters or result in an increase of 50 NTUs above background turbidity levels in the receiving water.

24. The applicant shall contact the Department's Air Division at (334) 271-7861 to determine the need for an air permit prior to commencement of loading/unloading operations.
25. Waterbodies should be no deeper than the depth of the adjacent receiving waters. Waterbody designs that are shallower at the margins with depths deepening as one approaches the receiving waters should be implemented to the extent practicable and are preferable because circulation and re-aeration is enhanced. Slopes of channel banks which are 1:3 or flatter provide bank stabilization, enhance water quality by improving water circulation, and promote colonization by littoral vegetation which provides better habitat. Vertical bulkheading is strongly discouraged. Rounded corners in the waterbody interior optimize internal circulation.
26. Surface drainage patterns should be designed, constructed, and maintained to the extent practicable with swales or other methods to minimize direct runoff into waters of the state and to minimize the introduction of pollutants.
27. Any proposed new or modified waterbody channel should duplicate the old waterbody channel in regard to pools, riffle areas, riparian vegetation, depth, gradient, and length to the maximum extent practicable so that the new modified waterbody channel maintains its dimension, pattern, and profile while neither degrading nor aggrading to ensure that water temperature, pH, turbidity, and dissolved oxygen are not adversely impacted after the project is completed.
28. The bottom of any proposed new or modified waterbody channel should be V-notched, concave in shape, or otherwise constructed to allow adequate concentrated and unobstructed flow of water during periods of low flow.
29. Design features, such as protection of existing watercourse trees or planting of new shade trees or other appropriate measures, should be implemented to the maximum extent practicable in order to minimize temperature extremes in any modified waterbody channel.
30. Modified or impacted waterbody bottoms and banks shall be returned to original contours to the extent possible and all disturbed areas stabilized and fully reclaimed.
31. The applicant shall conduct, at a minimum, weekly comprehensive site inspections to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional (QCP), qualified personnel under the direct supervision of a QCP, or an ADEM approved qualified credentialed inspection professional (QCIP), until completion of the proposed activity.
32. The applicant shall conduct the proposed operation in a timely manner and with all due diligence utilizing good engineering practices in order to reduce potential environmental impacts created by the project to the maximum extent practicable.
33. To ensure the protection of water quality, the applicant shall conduct an evaluation of any dredged material in order to evaluate the presence of pollutants which have the potential to be present in concentrations which could result in water contamination. Detailed results of any analyses shall be made available to ADEM upon request.
34. For those NWP's that require written notification to the Corps, the applicant shall: 1) submit a written statement that the applicant is aware of ADEM regulations and that NPDES permit coverage from ADEM is not required; or 2) submit proof of coordination with ADEM that all appropriate NPDES or other permits have either been applied for and/or obtained.



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APPENDIX II – TENNESSEE VALLEY AUTHORITY RIGHT-OF-WAY CLEARING SPECIFICATIONS

1. General - The clearing contractor shall review the environmental evaluation documents (Categorical Exclusion Checklist, Environmental Assessment, or Environmental Impact Statement) for the project or proposed activity, along with all clearing and construction appendices, conditions in applicable general and/or site-specific permits, the storm water pollution prevention plan, and any Tennessee Valley Authority (TVA) commitments to property owners. The contractor shall then plan and carry out operations using techniques consistent with good engineering and management practices as outlined in TVA's Best Management Practice (BMP) manual (Muncy, 1992, and revisions thereto). The contractor will protect areas that are to be left unaffected by access or clearing work at and adjacent to all work sites. In sensitive areas and their buffers, the contractor will retain as much native ground cover and other vegetation as possible.

If the contractor fails to use BMPs or to follow environmental expectations discussed in the prebid or prework meeting or present in contract specifications, TVA will order corrective changes and additional work as deemed necessary in TVA's judgment to meet the intent of environmental laws and regulations or other guidelines. Major violations or continued minor violations will result in work suspension until correction of the situation is achieved or other remedial action is taken at the contractor's expense. Penalty clauses may be invoked as appropriate.

2. Regulations - The clearing contractor shall comply with all applicable federal, state, and local environmental and antipollution laws, regulations, and ordinances including without limitation all air, water, solid and hazardous waste, noise, and nuisance laws, regulations, and ordinances. The contractor shall secure or ensure that TVA has secured all necessary permits or authorizations to conduct work on the acres shown on the drawings and plan and profile for the contract. The contractor's designated project manager will actively seek to prevent, control, monitor, and safely abate all commonly recognized forms of workplace and environmental pollution. Permits or authorizations and any necessary certifications of trained or licensed employees shall be documented with copies submitted to TVA's right-of-way inspector or construction environmental engineer before work begins. The contractor will be responsible for meeting all conditions specified in permits. Permit conditions shall be reviewed in prework discussions.
3. Land and Landscape Preservation - The clearing contractor shall exercise care to preserve the condition of cleared soils by avoiding as much compacting and deep scarring as possible. As soon as possible after initial disturbance of the soil and in accordance with any permit(s) or other state or local environmental regulatory requirements, cover material shall be placed to prevent erosion and sedimentation of water bodies or conveyances to surface water or groundwater. In areas outside the clearing, use, and access areas, the natural vegetation shall be protected from damage. The contractor and his employees must not deviate from delineated access routes or use areas, and must enter the site at designated areas that will be marked. Clearing operations shall be conducted to prevent any unnecessary destruction, scarring, or defacing of the remaining natural vegetation and adjacent surroundings in the vicinity of the work. In sensitive public or environmental areas, appropriate buffer zones shall be observed and the methods of clearing or reclearing

modified to protect the buffer and sensitive area. Some areas may require planting native plants or grasses to meet the criteria of regulatory agencies or commitments to special program interests.

4. Streamside Management Zones - The clearing contractor must leave as many rooted ground cover plants as possible in buffer zones along streams and other bodies of water or wet-weather conveyances thereto. In such streamside management zones (SMZ), tall-growing tree species (trees that would interfere with TVA's National Electric Safety Code clearances) shall be cut, and the stumps may be treated to prevent resprouting. Low-growing trees identified by TVA as marginal electrical clearance problems may be cut, and then stump treated with growth regulators to allow low, slow-growing canopy development and active root growth. Only approved herbicides shall be used, and herbicide application shall be conducted by certified applicators from the TVA's Transmission, Operations, and Maintenance organization after initial clearing and construction. Cutting of trees within SMZs must be accomplished by using either hand-held equipment or other appropriate clearing equipment, such as a feller-buncher. The method will be selected based on site-specific conditions and topography to minimize soil disturbance and impacts to the SMZ and surrounding area. Disturbed soils in SMZs must be stabilized by appropriate methods immediately after the right-of-way is cleared. Stabilization must occur within the time frame specified in applicable storm water permits or regulations. Stumps within SMZs may be cut close to the ground but must not be removed or uprooted. Trees, limbs, and debris shall be immediately removed from streams, ditches, and wet areas using methods that will minimize dragging or scarring the banks or stream bottom. No debris will be left in the water or watercourse. Equipment will cross streams, ditches, or wet areas only at locations designated by TVA after the application of appropriate erosion control BMPs consistent with permit conditions or regulatory requirements.
5. Wetlands - In forested wetlands, tall trees will be cut near the ground, leaving stumps and roots in place. The cambium may be treated with herbicides applied by certified applicators from the TOM organization to prevent regrowth. Understory trees that must be initially cut and removed may be allowed to grow back or may be treated with tree growth regulators selectively to slow growth and increase the reclearing cycle. The decision will be situationally made based on existing ground cover, wetland type, and tree species since tall tree removal may "release" understory species and allow them to grow quickly to "electrical clearance problem" heights. In many circumstances, herbicides labeled for water and wetland use may be used in reclearing.
6. Sensitive Area Preservation - If prehistoric or historic artifacts or features that might be of archaeological significance are discovered during clearing or reclearing operations, the activity shall immediately cease within a 100-foot radius, and a TVA right-of-way inspector or construction environmental engineer and the Cultural Resources Program manager shall be notified. The site shall be protected and left as found until a determination about the resources, their significance, and site treatment is made by TVA's Cultural Resources Program. Work may continue beyond the finding zone and the 100-foot radius beyond its perimeter.
7. Water Quality Control - The contractor's clearing and disposal activities shall be performed using BMPs that will prevent erosion and entrance of spillage, contaminants, debris, and other pollutants or objectionable materials into drainage ways, surface water, or groundwater. Special care shall be exercised in refueling equipment to prevent spills. Fueling areas shall be remote from any sinkhole, crevice, stream, or other water body.

Open burning debris will be kept away from streams and ditches and shall be incorporated into the soil.

The clearing contractor will erect and (when TVA or contract construction personnel are unable) maintain BMPs such as silt fences on steep slopes and adjacent to any stream, wetland, or other water body. BMPs will be inspected by the TVA field engineer or other designated TVA or contractor personnel routinely and during periods of high runoff, and any necessary repairs will be made as soon as practicable. BMP inspections will be conducted in accordance with permit requirements. Records of all inspections will be maintained on site, and copies of inspection forms will be forwarded to the TVA construction environmental engineer.

8. Turbidity and Blocking of Streams - If temporary clearing activities must interrupt natural drainage, appropriate drainage facilities and erosion/sediment controls shall be provided to avoid erosion and siltation of streams and other water bodies or water conveyances. Turbidity levels in receiving waters or at storm water discharge points shall be monitored, documented, and reported if required by the applicable permit. Erosion and sediment control measures such as silt fences, water bars, and sediment traps shall be installed as soon as practicable after initial access, site or right-of-way disturbance in accordance with applicable permit or regulatory requirements.

Mechanized equipment shall not be operated in flowing water except when approved and, then, only to construct necessary stream crossings under direct guidance of TVA. Construction of stream fords or other crossings will only be permitted at approved locations and to current TVA construction access road standards. Material shall not be deposited in watercourses or within stream bank areas where it could be washed away by high stream flows. Any clearing debris that enters streams or other water bodies shall be removed as soon as possible. Appropriate U.S. Army Corps of Engineers and state permits shall be obtained for stream crossings.

9. Air Quality Control - The clearing or reclearing contractor shall take appropriate actions to limit the amount of air emissions created by clearing and disposal operations to well within the limits of clearing or burning permits and/or forestry or local fire department requirements. All operations must be conducted in a manner that prevents nuisance conditions or damage to adjacent land crops, dwellings, highways, or people.
10. Dust and Mud Control - Clearing activities shall be conducted in a manner that minimizes the creation of fugitive dust. This may require limitations as to type of equipment, allowable speeds, and routes utilized. Control measures such as water, gravel, etc., or similar measures may be used subject to TVA approval. On new construction sites and easements, the last 100 feet before an access road approaches a county road or highway shall be graveled to prevent transfer of mud onto the public road.
11. Burning - The contractor shall obtain applicable permits and approvals to conduct controlled burning. The contractor will comply with all provisions of the permit, notification, or authorization including burning site locations, controlled draft, burning hours, and such other conditions as stipulated. If weather conditions such as wind speed or wind direction change rapidly, the contractor's burning operation may be temporarily stopped by TVA's field engineer. The debris to be burned shall be kept as clean and dry as possible and stacked and burned in a manner that produces the minimum amount of smoke. Residue

from burning will be disposed of according to permit stipulations. No fuel starters or enhancements other than kerosene will be allowed.

12. Smoke and Odors - The contractor will properly store and handle combustible and volatile materials that could create objectionable smoke, odor, or fumes. The contractor shall not burn oil or refuse that includes trash, rags, tires, plastics, or other manufactured debris.
13. Vehicle Exhaust Emissions - The contractor shall maintain and operate equipment in a manner that limits vehicle exhaust emissions. Equipment and vehicles will be kept within the manufacturers' recommended limits and tolerances. Excessive exhaust gases will be eliminated, and inefficient operating procedures will be revised or halted until corrective repairs or adjustments are made.
14. Vehicle Servicing - Routine maintenance of personal vehicles will not be performed on the right-of-way. However, if emergency or "have to" situations arise, minimal/temporary maintenance to personal vehicles will occur in order to mobilize the vehicle to an off-site maintenance shop. Heavy equipment will be serviced on the right-of-way, except in designated sensitive areas. The clearing or reclearing contractor will properly maintain these vehicles with approved spill protection controls and countermeasures. If emergency maintenance in a sensitive or questionable area arises, the area environmental coordinator or construction environmental engineer will be consulted. All wastes and used oils will be properly recovered, handled, and disposed/recycled. Equipment shall not be temporarily stored in stream floodplains, whether overnight or on weekends or holidays.
15. Noise Control - The contractor shall take steps to avoid the creation of excessive sound levels for employees, the public, or the site and adjacent property owners. Concentration of individual noisy pieces as well as the hours and locations of operation should be considered.
16. Noise Suppression - All internal combustion engines shall be properly equipped with mufflers. The equipment and mufflers shall be maintained at peak operating efficiency.
17. Sanitation - A designated representative of TVA or the clearing contractor shall contact a sanitary contractor who will provide sanitary chemical toilets convenient to all principal points of operation for every working party. The facilities shall comply with applicable federal, state, or local health laws and regulations. They shall not be located closer than 100 feet to any stream or tributary or to any wetland. The facilities shall be required to have proper servicing and maintenance, and the waste disposal contractor shall verify in writing that the waste disposal will be in state-approved facilities. Employees shall be notified of sanitation regulations and shall be required to use the toilet facilities.
18. Refuse Disposal - The clearing or reclearing contractor shall be responsible for daily cleanup and proper labeling, storage, and disposal of all refuse and debris on the site produced by his operations and employees. Facilities that meet applicable regulations and guidelines for refuse collection will be required. Only approved transport, storage, and disposal areas shall be used.
19. Brush and Timber Disposal (Reclearing) - The reclearing contractor shall place felled tree boles in neat stacks at the edge of the right-of-way, with crossing breaks at least every 100 feet. Property owner requests shall be reviewed with the project manager or right-of-way specialist before accepting them. Lop and drop activities must be specified in the contract

and on plan and profile drawings with verification with the right-of-way specialist before conducting such work. When tree trimming and chipping is necessary, disposal of the chips on the easement or other locations on the property must be with the consent of the property owner and the approval of the right-of-way specialist. No trees, branches, or chips shall remain in a surface water body or be placed at a location where washing into a surface water or groundwater source might occur.

20. Brush and Timber Disposal (Initial Clearing) - For initial clearing, trees are commonly part of the contractor's contract to remove as they wish. Trees may be removed from the site for lumber or pulpwood or they may be chipped or stacked and burned. All such activities must be coordinated with the TVA field engineer, and the open burning permits, notifications, and regulatory requirements must be met. Trees may be cut and left in place only in areas specified by TVA and approved by appropriate regulatory agencies. These areas may include sensitive wetlands or SMZs where tree removal would cause excessive ground disturbance or in very rugged terrain where windrowed trees are used as sediment barriers along the edge of the right-of-way.
21. Restoration of Site - All disturbed areas, with the exception of farmland under cultivation and any other areas as may be designated by TVA's specifications, shall be stabilized in the following manner unless the property owner and TVA's engineer specify a different method:
 - A. The subsoil shall be loosened to a minimum depth of 6 inches if possible and worked to remove unnatural ridges and depressions.
 - B. If needed, appropriate soil amendments will be added.
 - C. All disturbed areas will initially be seeded with a temporary ground cover such as winter wheat, rye, or millet, depending on the season. Perennials may also be planted during initial seeding if proper growing conditions exist. Final restoration and final seeding will be performed as line construction is completed. Final seeding will consist of permanent perennial grasses such as those outlined in TVA's "A Guide for Environmental Protection and Management Practices for Tennessee Valley Authority Transmission Construction and Maintenance Activities." Exceptions would include those areas designated as native grass planting areas. Initial and final restoration will be performed by the clearing contractor.
 - D. TVA holds the option, depending upon the time of year and weather condition, to delay or withdraw the requirement of seeding until more favorable planting conditions are certain. In the meantime, other stabilization techniques must be applied.

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APPENDIX III – TENNESSEE VALLEY AUTHORITY ENVIRONMENTAL QUALITY PROTECTION SPECIFICATIONS FOR TRANSMISSION LINE CONSTRUCTION

1. General – Tennessee Valley Authority (TVA) and/or the assigned contractor shall plan, coordinate, and conduct operations in a manner that protects the quality of the environment and complies with TVA's environmental expectations discussed in the preconstruction meeting. This specification contains provisions that shall be considered in all TVA and contract construction operations. If the contractor fails to operate within the intent of these requirements, TVA will direct changes to operating procedures. Continued violation will result in a work suspension until correction or remedial action is taken by the contractor. Penalties and contract termination will be used as appropriate. The costs of complying with the Environmental Quality Protection Specifications are incidental to the contract work, and no additional compensation will be allowed. At all structure and conductor pulling sites, protective measures to prevent erosion will be taken immediately upon the end of each step in a construction sequence, and those protective measures will be inspected and maintained throughout the construction and right-of-way rehabilitation period.
2. Regulations - TVA and/or the assigned contractor shall comply with all applicable federal, state, and local environmental and antipollution laws, regulations, and ordinances related to environmental protection and prevention, control, and abatement of all forms of pollution.
3. Use Areas - TVA and/or the assigned contractor's use areas include but are not limited to site office, shop, maintenance, parking, storage, staging, assembly areas, utility services, and access roads to the use areas. The construction contractor shall submit plans and drawings for their location and development to the TVA engineer and project manager for approval. Secondary containment will be provided for fuel and petroleum product storage pursuant to 29CFR1910.106(D)(6)(iii)(OSHA).
4. Equipment - All major equipment and proposed methods of operation shall be subject to the approval of TVA. The use or operation of heavy equipment in areas outside the right-of-way, access routes, or structure, pole, or tower sites will not be permitted without permission of the TVA inspector or field engineer. Heavy equipment use on steep slopes (greater than 20 percent) and in wet areas will be held to the minimum necessary to construct the transmission line. Steps will be taken to limit ground disturbance caused by heavy equipment usage, and erosion and sediment controls will be instituted on disturbed areas in accordance with state requirements.

No subsurface ground-disturbing equipment or stump-removal equipment will be used by construction forces except on access roads or at the actual structure, pole, or tower sites, where only footing locations and controlled runoff diversions shall be created that disturb the soil. All other areas of ground cover or in-place stumps and roots shall remain in place. (Note: Tracked vehicles disturb surface layer of the ground due to size and function.) Some disking of the right-of-way may occur for proper seedbed preparation.

Unless ponding previously occurred (i.e., existing low-lying areas), water should not be allowed to pond on the structure sites except around foundation holes; the water must be directed away from the site in as dispersed a manner as possible. At tower or structure sites, some means of upslope interruption of potential overland flow and diversion around

the footings should be provided as the first step in construction-site preparation. If leveling is necessary, it must be implemented by means that provide for continuous gentle, controlled, overland flow or percolation. A good grass cover, straw, gravel, or other protection of the surface must be maintained. Steps taken to prevent increases in the moisture content of the in-situ soils will be beneficial both during construction and over the service life of any structure.

5. Sanitation - A designated TVA or contractor representative shall contact a sanitary contractor who will provide sanitary chemical toilets convenient to all principal points of operation for every working party. The facilities shall comply with applicable federal, state, or local health laws and regulations. They shall not be located closer than 100 feet to any stream or tributary or to any wetland. The facilities shall be required to have proper servicing and maintenance, and the waste disposal contractor shall verify in writing that the waste disposal will be in state-approved facilities. Employees shall be notified of sanitation regulations and shall be required to use the toilet facilities.
6. Refuse Disposal - Designated TVA and/or contractor personnel shall be responsible for daily inspection, cleanup, and proper labeling, storage, and disposal of all refuse and debris produced by his operations and by his employees. Suitable refuse collecting facilities will be required. Only state-approved disposal areas shall be used. Disposal containers such as dumpsters or roll-off containers shall be obtained from a proper waste disposal contractor. Solid, special, construction/demolition, and hazardous wastes as well as scrap are part of the potential refuse generated and must be properly managed with emphasis on reuse, recycle, or possible give away, as appropriate, before they are handled as waste. Contractors must meet similar provisions on any project contracted by TVA.
7. Landscape Preservation - TVA and its contractors shall exercise care to preserve the natural landscape in the entire construction area as well as use areas, in or outside the right-of-way, and on or adjacent to access roads. Construction operations shall be conducted to prevent any unnecessary destruction, scarring, or defacing of the natural vegetation and surroundings in the vicinity of the work.
8. Sensitive Areas Preservation - Certain areas on site and along the right-of-way may be designated by the specifications or the TVA engineer as environmentally sensitive. These areas include but are not limited to areas classified as erodible, geologically sensitive, scenic, historical and archaeological, fish and wildlife refuges, water supply watersheds, and public recreational areas such as parks and monuments. Contractors and TVA construction crews shall take all necessary actions to avoid adverse impacts to these sensitive areas and their adjacent buffer zones. These actions may include suspension of work or change of operations during periods of rain or heavy public use; hours may be restricted or concentrations of noisy equipment may have to be dispersed. If prehistoric or historic artifacts or features are encountered during clearing or construction operations, the operations shall immediately cease for at least 100 feet in each direction, and TVA's right-of-way inspector or construction superintendent and Cultural Resources Program shall be notified. The site shall be left as found until a significance determination is made. Work may continue elsewhere beyond the 100-foot perimeter.
9. Water Quality Control - TVA and contractor construction activities shall be performed by methods that will prevent entrance or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into flowing caves, sinkholes, streams, dry watercourses, lakes, ponds, and underground water sources.

The clearing contractor will erect and (when TVA or contract construction personnel are unable) maintain Best Management Practices (BMPs) such as silt fences on steep slopes and adjacent to any stream, wetland, or other water body. Additional BMPs may be required for areas of disturbance created by construction activities. BMPs will be inspected by the TVA field engineer or other designated TVA or contractor personnel routinely and during periods of high runoff, and any necessary repairs will be made as soon as practicable. BMP inspections will be conducted in accordance with permit requirements. Records of all inspections will be maintained on site, and copies of inspection forms will be forwarded to the TVA construction environmental engineer.

Acceptable measures for disposal of waste oil from vehicles and equipment shall be followed. No waste oil shall be disposed of within the right-of-way, on a construction site, or on access roads.

10. Turbidity and Blocking of Streams - Construction activities in or near SMZs or other bodies of water shall be controlled to prevent the water turbidity from exceeding state or local water quality standards for that stream. All conditions of a general storm water permit, aquatic resource alteration permit, or a site-specific permit shall be met including monitoring of turbidity in receiving streams and/or storm water discharges and implementation of appropriate erosion and sediment control measures.

Appropriate drainage facilities for temporary construction activities interrupting natural site drainage shall be provided to avoid erosion. Watercourses shall not be blocked or diverted unless required by the specifications or the TVA engineer. Diversions shall be made in accordance with TVA's "A Guide for Environmental Protection and Management Practices for Tennessee Valley Authority Transmission Construction and Maintenance Activities."

Mechanized equipment shall not be operated in flowing water except when approved and, then, only to construct crossings or to perform required construction under direct guidance of TVA. Construction of stream fords or other crossings will only be permitted at approved locations and to current TVA construction access road standards. Material shall not be deposited in watercourses or within stream bank areas where it could be washed away by high stream flows. Appropriate U.S. Army Corps of Engineers and state permits shall be obtained.

Wastewater from construction or dewatering operations shall be controlled to prevent excessive erosion or turbidity in a stream, wetland, lake, or pond. Any work or placing of equipment within a flowing or dry watercourse requires the prior approval of TVA.

11. Clearing - No construction activities may clear additional site or right-of-way vegetation or disturb remaining retained vegetation, stumps, or regrowth at locations other than the structure sites and conductor setup areas. TVA and the construction contractor(s) must provide appropriate erosion or sediment controls for areas they have disturbed that have previously been restabilized after clearing operations. Control measures shall be implemented as soon as practicable after disturbance in accordance with applicable federal, state, and/or local storm water regulations.
12. Restoration of Site - All construction disturbed areas, with the exception of farmland under cultivation and any other areas as may be designated by TVA's specifications, shall be stabilized in the following manner unless the property owner and TVA's engineer specify a different method:

- A. The subsoil shall be loosened to a minimum depth of 6 inches if possible and worked to remove unnatural ridges and depressions.
 - B. If needed, appropriate soil amendments will be added.
 - C. All disturbed areas will initially be seeded with a temporary ground cover such as winter wheat, rye, or millet, depending on the season. Perennials may also be planted during initial seeding if proper growing conditions exist. Final restoration and final seeding will be performed as line construction is completed. Final seeding will consist of permanent perennial grasses such as those outlined in TVA's "A Guide for Environmental Protection and Management Practices for Tennessee Valley Authority Transmission Construction and Maintenance Activities." Exceptions would include those areas designated as native grass planting areas. Initial and final restoration will be performed by the clearing contractor.
 - D. TVA holds the option, depending upon the time of year and weather condition, to delay or withdraw the requirement of seeding until more favorable planting conditions are certain. In the meantime, other stabilization techniques must be applied.
13. Air Quality Control - Construction crews shall take appropriate actions to minimize the amount of air pollution created by their construction operations. All operations must be conducted in a manner that avoids creating a nuisance and prevents damage to lands, crops, dwellings, or persons.
14. Burning - Before conducting any open burning operations, the contractor shall obtain permits or provide notifications as required to state forestry offices and/or local fire departments. Burning operations must comply with the requirements of state and local air pollution control and fire authorities and will only be allowed in approved locations and during appropriate hours and weather conditions. If weather conditions such as wind direction or speed change rapidly, the contractor's burning operations may be temporarily stopped by the TVA field engineer. The debris for burning shall be piled and shall be kept as clean and as dry as possible, then burned in such a manner as to reduce smoke. No materials other than dry wood shall be open burned. The ash and debris shall be buried away from streams or other water sources and shall be in areas coordinated with the property owner.
15. Dust and Mud Control - Construction activities shall be conducted to minimize the creation of dust. This may require limitations as to types of equipment, allowable speeds, and routes utilized. Water, straw, wood chips, dust palliative, gravel, combinations of these, or similar control measures may be used subject to TVA's approval. On new construction sites and easements, the last 100 feet before an access road approaches a county road or highway shall be graveled to prevent transfer of mud onto the public road.
16. Vehicle Exhaust Emissions - TVA and/or the contractors shall maintain and operate equipment to limit vehicle exhaust emissions. Equipment and vehicles that show excessive emissions of exhaust gasses and particulates due to poor engine adjustments or other inefficient operating conditions shall not be operated until corrective repairs or adjustments are made.
17. Vehicle Servicing - Routine maintenance of personal vehicles will not be performed on the right-of-way. However, if emergency or "have to" situations arise, minimal/temporary

maintenance to personal vehicles will occur in order to mobilize the vehicle to an off-site maintenance shop. Heavy equipment will be serviced on the right-of-way except in designated sensitive areas. The Heavy Equipment Department within TVA or the construction contractor will properly maintain these vehicles with approved spill prevention controls and countermeasures. If emergency maintenance in a sensitive or questionable area arises, the area environmental coordinator or construction environmental engineer will be consulted. All wastes and used oils will be properly recovered, handled, and disposed/recycled. Equipment shall not be temporarily stored in stream floodplains, whether overnight or on weekends or holidays.

18. Smoke and Odors - TVA and/or the contractors shall properly store and handle combustible material that could create objectionable smoke, odors, or fumes. The contractor shall not burn refuse such as trash, rags, tires, plastics, or other debris.
19. Noise Control - TVA and/or the contractor shall take measures to avoid the creation of noise levels that are considered nuisances, safety, or health hazards. Critical areas including but not limited to residential areas, parks, public use areas, and some ranching operations will require special considerations. TVA's criteria for determining corrective measures shall be determined by comparing the noise level of the construction operation to the background noise levels. In addition, especially noisy equipment such as helicopters, pile drivers, air hammers, chippers, chain saws, or areas for machine shops, staging, assembly, or blasting may require corrective actions when required by TVA.
20. Noise Suppression - All internal combustion engines shall be properly equipped with mufflers as required by the Department of Labor's "Safety and Health Regulations for Construction." TVA may require spark arresters in addition to mufflers on some engines. Air compressors and other noisy equipment may require sound-reducing enclosures in some circumstances.
21. Damages - The movement of construction crews and equipment shall be conducted in a manner that causes as little intrusion and damage as possible to crops, orchards, woods, wetlands, and other property features and vegetation. The contractor will be responsible for erosion damage caused by his actions and especially for creating conditions that would threaten the stability of the right-of-way or site soil, the structures, or access to either. When property owners prefer the correction of ground cover condition or soil and subsoil problems themselves, the section of the contract dealing with damages will apply.

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APPENDIX IV – TENNESSEE VALLEY AUTHORITY TRANSMISSION CONSTRUCTION GUIDELINES NEAR STREAMS

Even the most carefully designed transmission line project eventually will affect one or more creeks, rivers, or other type of water body. These streams and other water areas are protected by state and federal law, generally support some amount of fishing and recreation, and, occasionally, are homes for important and/or endangered species. These habitats occur in the stream and on strips of land along both sides (the streamside management zone [SMZ]) where disturbance of the water, land, or vegetation could have an adverse effect on the water or stream life. The following guidelines have been prepared to help Tennessee Valley Authority (TVA) Transmission Construction staff and their contractors avoid impacts to streams and stream life as they work in and near SMZs. These guidelines expand on information presented in “A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities.”

Three Levels of Protection

During the preconstruction review of a proposed transmission line, TVA Resource Stewardship staff will have studied each possible stream impact site and will have identified it as falling into one of three categories: (A) standard stream protection, (B) protection of important permanent streams, or C) protection of unique habitats. These category designations are based on the variety of species and habitats that exist in the stream as well as state and federal requirements to avoid harming certain species. The category designation for each site will be marked on the plan and profile sheets. Construction crews are required to protect streams and other identified water habitats using the following pertinent set(s) of guidelines:

(A) Standard Stream Protection

This is the standard (basic) level of protection for streams and the habitats around them. The purpose of the following guidelines is to minimize the amount and length of disturbance to the water bodies without causing adverse impacts on the construction work.

Guidelines:

1. All construction work around streams will be done using pertinent Best Management Practices (BMPs) such as those described in “A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities,” especially Chapter 6, Standards and Specifications.
2. All equipment crossings of streams must comply with appropriate state permitting requirements. Crossings of all drainage channels, intermittent streams, and permanent streams must be done in ways that avoid erosion problems and long-term changes in water flow. Crossings of any permanent streams must allow for natural movement of fish and other aquatic life.
3. Cutting of trees within SMZs must be accomplished by using either hand-held equipment or other appropriate clearing equipment (e.g., a feller-buncher) that would result in minimal soil disturbance and damage to low-lying vegetation. The method will be selected based on site-specific conditions and topography to minimize soil disturbance

and impacts to the SMZ and surrounding area. Stumps can be cut close to ground level but must not be removed or uprooted.

4. Other vegetation near streams must be disturbed as little as possible during construction. Soil displacement by the actions of plowing, disking, blading, or other tillage or grading equipment will not be allowed in SMZs; however, a minimal amount of soil disturbance may occur as a result of clearing operations. Shorelines that have to be disturbed must be stabilized as soon as feasible.

(B) Protection of Important Permanent Streams

This category will be used when there is one or more specific reason(s) why a permanent (always-flowing) stream requires protection beyond that provided by standard BMPs. Reasons for requiring this additional protection include the presence of important sports fish (trout, for example) and habitats for federal endangered species. The purpose of the following guidelines is to minimize the disturbance of the banks and water in the flowing stream(s) where this level of protection is required.

Guidelines:

1. Except as modified by guidelines 2-4 below, all construction work around streams will be done using pertinent BMPs such as those described in "A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities," especially Chapter 6, Standards and Specifications.
2. All equipment crossings of streams must comply with appropriate state (and, at times, federal) permitting requirements. Crossings of drainage channels and intermittent streams must be done in ways that avoid erosion problems and long-term changes in water flow. Proposed crossings of permanent streams must be discussed in advance with Resource Stewardship staff and may require an on-site planning session before any work begins. The purpose of these discussions will be to minimize the number of crossings and their impact on the important resources in the streams.
3. Cutting of trees within SMZs must be accomplished by using either hand-held equipment or other appropriate clearing equipment (e.g., a feller-buncher) that would result in minimal soil disturbance and damage to low-lying vegetation. The method will be selected based on site-specific conditions and topography to minimize soil disturbance and impacts to the SMZ and surrounding area. Cutting of trees near permanent streams must be limited to those required to meet National Electric Safety Code and danger tree requirements. Stumps can be cut close to ground level but must not be removed or uprooted.
4. Other vegetation near streams must be disturbed as little as possible during construction. Soil displacement by the actions of plowing, disking, blading, or other tillage or grading equipment will not be allowed in SMZs; however, a minimal amount of soil disturbance may occur as a result of clearing operations. Shorelines that have to be disturbed must be stabilized as soon as possible and revegetated as soon as feasible.

(C) Protection of Unique Habitats

This category will be used when, for one or more specific reasons, a temporary or permanent aquatic habitat requires special protection. This relatively uncommon level of protection will be appropriate and required when a unique habitat (for example, a particular spring run) or protected species (for example, one that breeds in a wet-weather ditch) is known to occur on or adjacent to the construction corridor. The purpose of the following guidelines is to avoid or minimize any disturbance of the unique aquatic habitat.

Guidelines:

1. Except as modified by Guidelines 2-4 below, all construction work around the unique habitat will be done using pertinent BMPs such as those described in "A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities," especially Chapter 6, Standards and Specifications.
2. All construction activity in and within 30 meters (100 feet) of the unique habitat must be approved in advance by Resource Stewardship staff, preferably as a result of an on-site planning session. The purpose of this review and approval will be to minimize impacts on the unique habitat. All crossings of streams also must comply with appropriate state (and, at times, federal) permitting requirements.
3. Cutting of trees within 30 meters (100 feet) of the unique habitat must be discussed in advance with Resource Stewardship staff, preferably during the on-site planning session. Cutting of trees near the unique habitat must be kept to an absolute minimum. Stumps must not be removed, uprooted, or cut shorter than 0.30 meter (1 foot) above the ground line.
4. Other vegetation near the unique habitat must be disturbed as little as possible during construction. The soil must not be disturbed by plowing, disking, blading, or grading. Areas that have to be disturbed must be stabilized as soon as possible and revegetated as soon as feasible, in some cases with specific kinds of native plants. These and other vegetative requirements will be coordinated with Resource Stewardship staff.

Additional Help

If you have questions about the purpose or application of these guidelines, please contact your supervisor or the environmental coordinator in the local Transmission Service Center.

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Comparison of Guidelines Under the Three Stream and Waterbody Protection Categories (page 1)

Guidelines	A: Standard	B: Important Permanent Streams	C: Unique Water Habitats
1. Reference	<ul style="list-style-type: none"> All TVA construction work around streams will be done using pertinent BMPs such as those described in "A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities," especially Chapter 6, BMP Standards and Specifications. 	<p>Except as modified by guidelines 2-4 below, all construction work around streams will be done using pertinent BMPs such as those described in "A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities," especially Chapter 6, BMP Standards and Specifications.</p>	<ul style="list-style-type: none"> Except as modified by guidelines 2-4 below, all construction work around the unique habitat will be done using pertinent BMPs such as those described in "A Guide for Environmental Protection and Best Management Practices for TVA Construction and Maintenance Activities," especially Chapter 6, BMP Standards and Specifications.
2. Equipment Crossings	<ul style="list-style-type: none"> All crossings of streams must comply with appropriate state and federal permitting requirements. Crossings of all drainage channels, intermittent streams, and permanent streams must be done in ways that avoid erosion problems and long-term changes in water flow. Crossings of any permanent streams must allow for natural movement of fish and other aquatic life. 	<ul style="list-style-type: none"> All crossings of streams must comply with appropriate state and federal permitting requirements. Crossings of drainage channels and intermittent streams must be done in ways that avoid erosion problems and long-term changes in water flow. Proposed crossings of permanent streams must be discussed in advance with Resource Stewardship staff and may require an on-site planning session before any work begins. The purpose of these discussions will be to minimize the number of crossings and their impact on the important resources in the streams. 	<ul style="list-style-type: none"> All crossings of streams also must comply with appropriate state and federal permitting requirements. All construction activity in and within 30 meters (100 feet) of the unique habitat must be approved in advance by Resource Stewardship staff, preferably as a result of an on-site planning session. The purpose of this review and approval will be to minimize impacts on the unique habitat.

Comparison of Guidelines Under the Three Stream and Waterbody Protection Categories (page 2)

Guidelines	A: Standard	B: Important Permanent Streams	C: Unique Water Habitats
3. Cutting Trees	<ul style="list-style-type: none"> • Cutting of trees within SMZs must be accomplished by using either hand-held equipment or other appropriate clearing equipment (e.g., a feller-buncher) that would result in minimal soil disturbance and damage to low-lying vegetation. The method will be selected based on site-specific conditions and topography to minimize soil disturbance and impacts to the SMZ and surrounding area. • Stumps can be cut close to ground level but must not be removed or uprooted. 	<ul style="list-style-type: none"> • Cutting of trees with SMZs must be accomplished by using either hand-held equipment or other appropriate clearing equipment (e.g., a feller-buncher) that would result in minimal soil disturbance and damage to low-lying vegetation. The method will be selected based on site-specific conditions and topography to minimize soil disturbance and impacts to the SMZ and surrounding area. • Cutting of trees near permanent streams must be limited to those meeting National Electric Safety Code and danger tree requirements. • Stumps can be cut close to ground level but must not be removed or uprooted. 	<ul style="list-style-type: none"> • Cutting of trees within 30 meters (100 feet) of the unique habitat must be discussed in advance with Resource Stewardship staff, preferably during the on-site planning session. • Cutting of trees near the unique habitat must be kept to an absolute minimum. • Stumps must not be removed, uprooted, or cut shorter than one foot above the ground line.
4. Other Vegetation	<ul style="list-style-type: none"> • Other vegetation near streams must be disturbed as little as possible during construction. • Soil displacement by the actions of plowing, disking, blading, or other tillage or grading equipment will not be allowed in SMZs; however, a minimal amount of soil disturbance may occur as a result of clearing operations. • Shorelines that have to be disturbed must be stabilized as soon as feasible. 	<ul style="list-style-type: none"> • Other vegetation near streams must be disturbed as little as possible during construction. • Soil displacement by the actions of plowing, disking, blading, or other tillage or grading equipment will not be allowed in SMZs; however, a minimal amount of soil disturbance may occur as a result of clearing operations. • Shorelines that have to be disturbed must be stabilized as soon as possible and revegetated as soon as feasible. 	<ul style="list-style-type: none"> • Other vegetation near the unique habitat must be disturbed as little as possible during construction. • The soil must not be disturbed by plowing, disking, blading, or grading. • Areas that have to be disturbed must be stabilized as soon as possible and revegetated as soon as feasible, in some cases with specific kinds of native plants. These and other vegetative requirements will be coordinated with Resource Stewardship staff.

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APPENDIX V – TENNESSEE VALLEY AUTHORITY RIGHT-OF-WAY VEGETATION MANAGEMENT

Tennessee Valley Authority (TVA) must manage its rights-of-way and easements to ensure emergency maintenance access and routine access to structures, switches, conductors, and communications equipment. In addition, TVA must ensure National Electrical Safety Code electrical clearances between tall-growing vegetation and any other structures. Trees located off right-of-way trees that could fall or be cut into a transmission line are also very important.

These requirements are imperative to the maintenance of the transmission system and, in some cases, underbuilt distribution lines. It is seldom understood by customers or the general public that electricity must continuously be produced and transmitted on an instant-to-instant basis to serve the demand placed on the system by continuously changing electrical load. When a switch is turned on, electricity must flow instantaneously. With increasingly complex and diverse electronic equipment controlled by computers, microchips, and other systems that respond to microsecond interruptions, any disturbance on transmission or distribution lines instantaneously affects the overall reliability of critical devices, especially production devices; security systems; process controls; medical devices; water purification and sewage treatment systems; fire and safety protection systems; communication and control systems; etc. These systems have little tolerance of even a few microseconds of interruption.

Each year, TVA must assess the conditions of the vegetation on and along its rights-of-way. This is accomplished by aerial inspections of each line, periodic walking inspections, information from aerial photographs, information from TVA field personnel, property owners, and the general public. Information is developed regarding vegetation species present, the mix of species, the observed growth, the seasonal growing conditions, and the density of the tall vegetation. TVA also evaluates the proximity, height, and growth rate of trees that may be adjacent to the right-of-way and that may be a danger to the line or structures. TVA right-of-way program administrators develop a vegetation-reclearing plan that is specific to each line segment; it is based on terrain conditions, species mix, growth, and density. They evaluate accessibility, right-of-way, and adjacent sensitive areas, land use and development, and a series of additional parameters. To the maximum extent possible, line segments from substation busbar to substation busbar should be recleared in the same year so a line can be made as reliable as reasonably possible.

Complicating factors are the rich diversity of tall-growing and climbing vegetation species in the power service area. The long growing season with abundant rain greatly accelerates growth in the moderate to rich soils of the TVA power service area. In addition, many rapid growing species are accelerated growers when competing vegetation is removed or reduced. Diverse geographic features, slopes, and conditions along line easements create many sensitive environmental and public interest areas on or adjacent to rights-of-way.

For the above reasons, TVA uses an integrated vegetation management approach. In farming areas of right-of-way crops and pasture, TVA encourages property owner management of the right-of-way using low-growing crops year after year. In dissected terrain with rolling hills and interspersed woodlands traversed by the rights-of-way, TVA uses mechanical mowing to a large extent.

When slopes become hazardous to farm tractors and rotary mowers, TVA may use a variety of herbicides specific to the species present with a variety of possible application techniques. When scattered small segments of tall-growing vegetation are present but accessibility along the right-of-way is difficult or the path to such segments is very long compared to the amount present, herbicides may be used.

In very steep terrain, in sensitive environmental areas, in extensive wetlands, at stream banks, and in sensitive property owner land use areas, hand clearing may be utilized. Hand clearing is recognized as one of the most hazardous occupations documented by the Occupational Health and Safety Administration. For that reason, TVA is actively looking at better control methods including use of low-volume herbicide applications, occasional single-tree injections, and tree-growth regulators.

TVA does not encourage individual property owner tree reclearing activity because of the high hazard potential of hand clearing, possible interruptions of the line, and electrical safety considerations for untrained personnel that might do the work. Private property owners may reclear the right-of-way with trained reclearing professionals.

TVA's experience initially was completely with hand clearing. World War II manpower shortages forced TVA to look toward developments in herbicide research. An era of near exclusive use of herbicides existed. Then, because of the discovery of residue accumulations with many pesticides and price increases of herbicides, high-volume applications lost favor, and TVA sought other modes of vegetation control. Farm equipment of greater power and efficiency allowed use of tractor-mounted rotary mowers. These mowers not only cut the tall saplings and seedlings on the right-of-way, they shatter the stump and the supporting near-surface root crown. The tendency of resistant species is to resprout from the root crown, and shattered stumps produce a multistem dense stand in the immediate area. Repeated use of the mowers on short-cycle reclearing with many original stumps regrowing in the above manner creates a single-species thicket or monoculture. With the original large root system and multiple stems, the resistant species can and usually do produce regrowth at the rate of 5-10 feet in a year. In years with high rainfall, the growth can reach 12-15 feet in a single year.

These created, dense, monoculture stands can become nearly impenetrable for even large tractors. Such stands have low diversity, little wildlife food or nesting potential, and become a property owner concern. They tend to spread off the right-of-way into more desirable species areas. Increasingly, TVA is receiving complaints about the shattered sapling debris density. The potential exists for insect invasion or fungus infection resulting from the easy invasion of damaged specimens or debris. Once started, such infestations or invasions can spread into valuable timber of the same or related species off the right-of-way.

Therefore, TVA has been working with universities (such as Mississippi State University, University of Tennessee, Purdue University, and others), chemical companies, other utilities, and personnel of the U.S. Department of Transportation, U.S. Fish and Wildlife Service, and U.S. Forest Service to explore other means of dealing with problem vegetation. The results have been strong recommendations to use species-specific, low-volume herbicide applications in more situations. Research, demonstrations, and other right-of-way programs show a definite improvement of rights-of-way treated with selective low-volume applications of new herbicides using a variety of application techniques and timing.

The above-named universities strongly recommend low-volume herbicide applications since their research demonstrates much wider plant diversity after such applications. They report better ground erosion protection and the development of more wildlife food plants and cover plants. In most situations, there is increased development of wild flowering plants and shrubs. In conjunction with herbicides, the diversity and density of low-growing plants provide control of tall-growing species through competition.

Wildlife managers are specifically requesting the use of herbicides in place of rotary mowing in order to avoid damage to nesting and tunneling wildlife. This method retains groundcover year-round with a better mix of food species and associated high-protein insect populations for birds in the right seasons. Most also report less damage to soils (even when compared with rubber-tired equipment).

Property owners interested in tree production are requesting use of low-volume applications rather than hand or mechanical clearing because of the insect and fungus problems in damaged vegetation and debris left on rights-of-way. The insect and fungus invasions such as pine tip moth, oak leaf blight, sycamore and dogwood blight, etc., are becoming widespread across the nation.

Some property owners have special interests. In those cases, TVA attempts to work with them to either have them sign agreements in which they maintain the right-of-way in right-of-way crops or pasture or they do the actual right-of-way maintenance. Some may choose to use low-growing trees or fruit trees, sod, vegetable crops, or other low vegetation types.

TVA discusses with property owners the potential to sign an agreement to manage their land for wildlife under the auspices of "Project Habitat," a joint TVA/American Cyanamid wildlife organization. The property owner maintains the right-of-way in wildlife food and cover with emphasis on quail, turkey, deer, or related forms. A variation used in or adjacent to developing suburban areas is to sign agreements with the developer and residents to plant and maintain wildflowers on the right-of-way.

TVA places strong emphasis on developing rights-of-way in the above manner. When the property owners do not agree to these opportunities, TVA must maintain the right-of-way in the most environmentally acceptable, cost and vegetation effective and efficient manner possible.

Approved Herbicides for Usage on TVA Rights-of-Way

<u>Trade Name</u>	<u>Active Ingredients</u>	<u>Label Signal Word</u>
Accord	Glyphosate/Liquid	Caution
Arsenal	Imazapyr/Liquid/Granule	Caution
Escort	Metsulfuron Methyl/dry flowable	Caution
Garlon	Triclopyr/Liquid	Caution
Garlon 3A	Triclopyr/Liquid	Danger
Diuron	Diuron/Flowable powder	Caution
Spike 40P	Tebuthiuron/Pellet	Caution
Spike 80W	Tebuthiuron/Wettable powder	Caution
Transline	Clopyralid/Liquid	Caution
Pathfinder II	Triclopyr/RTU	Caution
Krenite UT	Fosamine Ammonium	Warning
Vanquish	Diglycolamine	Caution

Approved Herbicides for Bare Ground Areas

<u>Trade Name</u>	<u>Active Ingredients</u>	<u>Label Signal Word</u>
Chopper	Imazapyr/RTU	Caution
Topsite	Diuron/Imazapyr	Caution
Roundup	Glyphosate/Liquid	Caution
SpraKil SK-26	Tebuthiuron and Diuron	Caution
Sahara	Diuron/Imazapyr	Caution
Roundup Pro	Glyphosate	Caution
Endurance	Prodiamine	Caution
Predict	Norflurazon	Caution

Tree growth regulators (TGRs) are being considered for use on tall trees that have special circumstances where they must be trimmed on a regular cycle.

Approved TGRs for Use on TVA Property

<u>Trade Name</u>	<u>Active Ingredients</u>	<u>Label Signal Word</u>
TGR	Flurprimidol	Caution
Profile 2SC	TGR-paclobutrazol	Caution

The herbicide Pathway is being considered for use following initial clearing. Test plots have been established to determine the effectiveness of Pathway. Pathway is a mix of Picloram and 2,4-D and carries a "Warning" signal word.

These herbicides have been evaluated in extensive studies at universities in support of registration applications and label requirements. Most have been reviewed in the U.S. Forest Service (USFS) Vegetation Management Environmental Impact Statements (EISs), and those evaluations are incorporated here by reference. The result of these reviews has been a consistent finding of limited environmental impact beyond that of control of the target vegetation. All the listed herbicides have been found to be of low-environmental toxicity to resources (including buffer zones for listed threatened or endangered species) when applied by trained applicators following the label and registration procedures.

Those not addressed in the USFS EISs or their supporting research have been peer reviewed in university research, addressed in U.S. Environmental Protection Agency (USEPA) literature reviews, or are discussed in documents on file at USEPA and U.S. Fish and Wildlife Service libraries. On the basis of this literature and TVA's reviews, the approved list above has been compiled and is reviewed again each year as new information is published.

The rates of application utilized are those listed on the USEPA-approved label and consistent with the revised application rates of the USFS Vegetation Management EIS Record of Decision. These typical application rates, in pounds/acre of active ingredient, are as follows:

Herbicide	Application Method					
	Aerial Liquid	Aerial Granule	Mechanical Liquid	Mechanical Granule	Manual Hand	Manual Foliar
2,4-D amine	2.0		2.5			2.0
2,4-D ester	2.5		4.0			2.0
2,4-DP	3.0		4.0			1.0
Dicamba			2.0			2.0
Krenite	6.0		7.8			
Glyphosate	1.5		1.5			1.0
Hexazinone	4.0	4.0	4.0	4.0	4.0	4.0
Imazapyr	0.75		0.75			0.75
Fuel oil	0.5		2.0			1.5
Limonene	0.9		0.9			0.9
Picloram	0.5		0.7			0.4
Sulfomet	0.13		0.17			0.06
Tebuthiuron	1.0	1.0	1.0	1.0		4.0
Triclopyr amine	4.0		4.0			4.0
Triclopyr ester	4.0		4.0			4.0

TVA currently uses primarily low-volume applications of foliar and basal applications of Accord (Glyphosate) and Accord (Glyphosate)-Arsenal (Imazapyr) tank mixes. Glyphosate is one of the most widely used herbicidal active ingredients in the world and has been continuously the subject of numerous exhaustive studies and scrutiny to determine its potential impacts on humans, animals, and the environment.

Accord, labeled for vegetation management in forestry and utility rights-of-way applications, has a full aquatics label and can be applied to emergent weeds in all bodies of fresh and brackish water. There is no restriction on the use of treated water for irrigation, recreation, or domestic purposes.

Accord is applied to the foliage of actively growing plants. The active ingredient is absorbed through the leaves and rapidly moves throughout the plant. Glyphosate prevents the plant from producing amino acids that are unique to plants and are building blocks of plant proteins. The plant, unable to make proteins, stops growing and dies.

The favorable environmental fate characteristic of Accord herbicide and its major metabolite (breakdown product) aminomethylphosphonic acid (AMPA) is well known. Continuing research is underway with more than 400 studies conducted to date in the laboratory and under field use conditions. These studies show rapid breakdown, little soil or plant debris retention, and little vertical movement into soil below the surface.

Glyphosate is naturally degraded by microbes in soil and water under both aerobic (with oxygen) and anaerobic (without oxygen) conditions. AMPA is further degraded in soil and sediments to phosphorus, nitrogen, hydrogen, and carbon dioxide. Glyphosate binds

rapidly and completely to a wide range of soils and sediment when introduced into the environment. This essentially eliminates movement in the soil. The average half-life of glyphosate in soils is less than 45 days. Half-life for the dissipation of glyphosate in environmental waters ranges from 1.5 to 14 days.

Glyphosate is nontoxic to birds, mammals, and bees and has been shown not to bioaccumulate since it acts in plants through an enzyme system that does not exist in animals or humans.

Arsenal (Imazapyr) has been similarly tested, and it is found to have low-leaching potential in soils. When available on or in the soil, it is broken down rapidly by soil microbes to naturally occurring compounds. When not available, Imazapyr is bound tightly to soil colloids and is unavailable for movement. The half-life in soil is 25 to 65 days.

Extensive chronic and acute toxicity studies have made Arsenal a USEPA-classified herbicide as practically nontoxic to humans, mammals, birds, fish, aquatic invertebrates, and insects. The chronic studies demonstrate that Imazapyr is non-teratogenic, non-mutagenic, and not a carcinogen.

The mode of action suppresses amino acids of the plant via an enzyme system containing acetohydroxy acid synthase. This enzyme system does not exist in other forms of life including humans and animals.

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APPENDIX VI – APPROXIMATE LOCATIONS AND LEVELS OF PROTECTION FOR WATERCOURSES WITHIN THE RIGHT-OF-WAY OF THE PROPOSED TRANSMISSION LINE

Crossing Number	Approximate Watercourse Location/Station Numbers	Watercourse Type*	Commitments	SMZ Widths (feet)
1	716+93 - 717+93	Intermittent	Category A SMZ	50
2	724+93 - 726+25	Perennial	Category A SMZ	50
3	738+97 - 742+41	Perennial	Category C SMZ	125
4	747+90 - 750+75	Intermittent	Category A SMZ	50
5	814+50 - 817+05	Perennial	Category A SMZ	50
6	839+15 - 842+01	Perennial	Category C SMZ	125
7	851+83 - 857+43	Perennial	Category C SMZ	125
8	Access Road (733.3 feet left of 849+21)	Pond	Standard BMPs	N/A**
9	906+06	WWC	Standard BMPs	N/A
10	918+00 - 922+00	Intermittent	Category A SMZ	50
11	942+43 - 943+43	Intermittent	Category A SMZ	50
12	951+60 - 953+30	Perennial	Category A SMZ	50
13	982+34 - 985+47	Perennial	Category C SMZ	125
14	1087+92	WWC	Standard BMPs	N/A
15	1092+50 - 1094+27	WWC	Standard BMPs	N/A

* WWC = wet-weather conveyance

**N/A = not applicable